

### Remarks

The Office Action mailed March 27, 2007 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-32 are now pending in this application. Claims 1-32 stand rejected.

The objection to the drawings under 37 C.F.R. 1.83 (a) is respectfully traversed. The objection to the drawings was previously set forth in the Office Action dated January 25, 2006. However, the objection was not repeated in the Office Action dated July 18, 2006. Further, a Notice of Allowance had been mailed November 9, 2006. Accordingly, the record indicates that Applicant had overcome the objection to the drawings under 37 C.F.R. 1.83 (a). For these reasons, Applicants submit that the current objection to the drawings under 37 C.F.R. 1.83 (a) is improper. Further, for at least the reasons set forth below, Applicants submit that the current objection to the drawings under 37 C.F.R. 1.83 (a) is a clear error.

Specifically, as set forth in Applicant's response to the January 25, 2006 Office Action, under 37 C.F.R. 1.83 (a), features disclosed in the description and claims need not be shown in the drawings where their detailed illustration is not essential for a proper understanding of the invention. More specifically, the Federal Circuit has opined in *Verve LLC v. Crane Cams, Inc.*, 65 USPQ 2d 1051, 1053-1054 (Fed. Cir. 2002), that "[p]atent documents are written for persons familiar with the relevant field; the patentee is not required to include in the specification information readily understood by practitioners, lest every patent be written as a comprehensive tutorial and treatise for the generalist, instead of a concise statement for persons in the field." In the present case, Applicant respectfully submits that an artisan of ordinary skill in the art, after reading the specification in light of the Figures, would understand the inclusion of grooves extending along an arm as is recited in the claims. Specifically, at paragraph 63 for example, the functionality, location, and operation of the grooves is clearly described in the specification in such a manner that one of ordinary skill in the art should understand their operation. Accordingly, Applicants respectfully submit that the limitation of grooves, defined in a face of at least one arm, as

recited in the claims, is supported by the specification, and would be understood by one of ordinary skill in the art.

For the reasons set forth above, Applicants respectfully request that the objection to the drawings under 37 C.F.R. 1.83 (a) be withdrawn.

The rejections of Claims 1, 12, 13, 14, 16, 22, and 26-32 under 35 U.S.C. § 102(e) as being anticipated by Cerrano et al. (U.S. Patent 6,722,176) (hereinafter referred to as “Cerrano”) is respectfully traversed.

Applicants respectfully submit that the of rejection of Claims 1, 12, 13, 14, 16, 22, and 26-32 under 35 U.S.C. § 102(e) as being anticipated by Cerrano is an improper rejection because the instant application is a continuation-in-part (CIP) of Cerrano. Anticipation cannot be established by merely stating that two patents have only one inventor in common. More specifically, it is submitted that a prima facie case of anticipation has not been established. As explained by the Board of Patent Appeals and Interferences, “the revision to § 120 provides that an application can obtain benefit of the filing date of an earlier application when not all inventors named in the joint application are the same as named in an earlier application.” Ex parte Aleta Gilderdale and Rodney W. Larson (1990 Pat. App. LEXIS 25).

Moreover, the Board of Patent Appeals and Interferences has determined that:

[w]e cannot agree with the examiner’s strict application of the inventive entity test. The examiner has construed the language “another” of 35 U.S.C. § 102(e) narrow to mean that if the inventive entity in the application differs from that in the applied prior art patent in any way other than that specifically allowed in the example given in the legislative history of Public Law 98-622 (28 PTCJ 645, 651, first par.) with respect to the amendments made to § 120, then another inventive entity is present in the prior art patent...[w]hat the examiner fails to appreciate is that the term “another” in § 102(e) has been modified significantly by the amendments to § 120 in Public Law 98-622.”

Ex parte Aleta Gilderdale and Rodney W. Larson (1990 Pat. App. LEXIS 25). The PTO in its analysis of Public Law 98-622 (1053 O.G. 10 at pages 11-12) with regard to amended § 120, states that “an application filed by A and C could claim the benefit of an earlier filed

pending application of inventors A and B, to the extent that the requirements of § 120 could be met.”

The present application claims the benefit of and is a continuation-in-part (CIP) U.S. Patent Application No. 10/125,202, filed April 18, 2002 and issuing as U.S. Patent No. 6,722,176. Therefore, since the present application has the same effective date as Cerrano (U.S. Pat. 6,722,176), it is not available as a reference. Moreover, any newly added matter that does not have the same effective date as Cerrano (U.S. Pat. 6,722,176) is clearly not recited in Cerrano (U.S. Pat. 6,722,176).

Moreover, the independent claims of the present application clearly recite “*at least one of said first arm inner face and said second arm inner face* comprising a plurality of teeth” and “*at least one of said first arm outer face and said second arm outer face* comprising a *plurality of grooves* defined therein.” Applicants respectfully submit that Cerrano (U.S. Pat. 6,722,176) does not include such recitations. Rather, Cerrano (U.S. Pat. 6,722,176) recites “*said first arm inner and outer face* comprising a plurality of teeth” and “*said at least one of said second arm inner and outer face* comprises a *plurality of teeth*.”

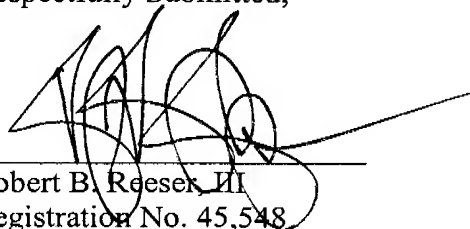
Accordingly, Applicants respectfully request that the Section 102 rejection of Claims 1, 12, 13, 14, 16, 22, and 26-32 be withdrawn.

The objection to Claims 2-11, 15, 17-21, 23-25, and 27-32 as being dependent upon a rejected base claim is respectfully traversed. For the reasons set forth above, Applicants submit that Claims 1, 12, 13, 14, 16, 22, and 26-32 are patentable over the cited art. Accordingly, Applicants submit that Claims 2-11, 15, 17-21, 23-25, and 27-32 are not dependent upon a rejected base claim.

Accordingly, Applicants respectfully request that the objection to Claims 2-11, 15, 17-21, 23-25, and 27-32 be withdrawn.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robert B. Reeser, III', is written over a horizontal line.

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